

## **REMARKS**

Applicants appreciate the thorough review of the present application as reflected in the Official Action mailed July 2, 2004. Applicants have amended Claim 24 to correct the typographic error identified by the Examiner.

### **The IDS**

Applicants wish to bring to the Examiner's attention an Information Disclosure Statement that is being filed concurrently herewith. Applicants request that the Examiner consider the references cited in the IDS and return an initialed PTO-1449 with any subsequent communication.

### **The Objection to the Claims**

Claims 24-33 have been objected to because of the use of the word "distributinges". Applicants have amended Claim 24 to recite "distributing." Accordingly, Applicants submit that the informality of Claim 24 has been overcome.

### **The Double Patenting Rejection**

Claims 1-33 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in light of U.S. Application Serial No. 09/764,613. Applicants submit concurrently herewith a Terminal Disclaimer with regard to the '613 application. Accordingly, Applicants submit that the double patenting rejection has been overcome.

### **The Anticipation Rejection**

Claims 1, 14 and 24 stand rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,697,857 to Dixon *et al.* (hereinafter "Dixon"). Official Action, p. 5. In particular, the Official Action cites to col. 6, lines 8-11 of Dixon as disclosing the "negotiating security associations" recitations of Claim 1. Official Action, p. 6. The Official Action also cites to the Abstract, Fig. 2 and col. 5, line 42 to col. 6, line 17 of Dixon as disclosing the "distributing information" and "IPSec processing" recitations of Claims 1, 14 and 24. Official Action, p. 6.

Applicants initially note that Claims 1, 14 and 24 do not merely recite negotiating security associations, but expressly recite "negotiating security associations (SAs) **associated with the DVIPA** utilizing an Internet Key Exchange (**IKE**) component **associated with the routing communication protocol stack**." Thus, the SAs for the DVIPA are negotiated using an IKE associated with a routing communication protocol stack, not the target hosts. Because the routing communication protocol stack, not the target hosts, negotiates the SAs, the SA information is distributed "to the target hosts to allow the target hosts to perform IPsec processing of communications to the network utilizing the negotiated SAs." See Claims 1, 14 and 24. Applicants submit that this division between negotiating the SAs and performing IPsec processing is not disclosed or suggested by the cited portions of Dixon.

In particular, Fig. 2 of Dixon describes an architecture for communication between two computers. There is no indication that an IKE associated with a routing communication protocol stack negotiates SAs and then distributes the SA information to target hosts. Dixon appears to describe conventional SA negotiation where an IKE sends the negotiated SA to an IPsec driver for processing. However, the IKE is associated with the IPsec driver where the processing is carried out. See Dixon, col. 5, line 42 to col. 6, line 17. In fact, Dixon does not even appear to relate to Virtual IP Addresses where a single IP address is shared by more than one host but, instead, relates to sharing security policies, not security associations. Thus, Applicants submit that Dixon does not disclose or suggest negotiating SAs with an IKE associated with a routing communication protocol stack as recited in Claim 1, 14 and 24.

Furthermore, Dixon appears to relate to IPsec policy administration. As discussed above, the cited portion of Dixon merely describes conventional IPsec processing and does not appear to relate to virtual IP addresses. As such, Applicants submit that the cited portions of Dixon do not disclose or suggest the distribution of SA information to a plurality of target hosts as recited in Claim 1, 14 and 24 as the IKE providing SAs to a single IPsec driver does not disclose or suggest distributing SA information to target hosts.



In re: Godwin et al.  
Serial No.: 09/764,616  
Filed: January 17, 2001  
Page 12 of 12

In light of the above discussion, Applicants submit that the cited portions of Dixon do not disclose or suggest each of the recitations of Claim 1, 14 and 24. Accordingly, Applicants submit that Claim 1, 14 and 24 are patentable over Dixon.

### **Conclusion**

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,

Timothy J. O'Sullivan  
Registration No. 35,632

USPTO Customer No. 20792  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 1, 2004.

Traci Brown